

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRYAN BONHAM,

Plaintiff,

v.

STATE OF NEVADA, ex rel, et al.,

Defendants.

Case No. 2:20-cv-01768-RFB-EJY

ORDER

Pending before the Court is Defendants' Motion for Extension of Time to Respond to ECF Nos. 154, 155, 156, 157, 158, and 159. ECF No. 164. Defendants explain in their Motion that Plaintiff filed his Third Amended Complaint ("TAC") on October 31, 2023. ECF No. 144. On November 13, 2023, Plaintiff filed a Motion for Preliminary Injunction and Temporary Restraining Order. ECF Nos. 146 and 147. On November 27, 2023, the undersigned issued a Report and Recommendation recommending dismissal of Plaintiff's TAC without prejudice, but without leave to amend, because the TAC failed to provide a "short and plain statement of the claim showing that the pleader is entitled to relief" under Fed. R. Civ. P. 8(a)(2). ECF No. 150. On December 4, 2023, Plaintiff sought leave to file a Fourth Amended Complaint ("FAC"). ECF No. 154. On January 29, 2024, without a ruling on the Motion for Leave, Plaintiff filed his FAC and renewed his Motions for a Temporary Restraining Order and Preliminary Injunction. ECF Nos. 155, 156, and 157. On February 13, 2024, Plaintiff filed a supplemental pleading without seeking leave. ECF No. 158. On May 3, 2024, Plaintiff filed a Motion effectively seeking entry of default on his pleadings and Motions. ECF No. 159.

Defense counsel spoke with Plaintiff by telephone on May 21, 2024, asking Plaintiff if he would agree to an extension of the deadlines to respond to the pending Motions. Plaintiff declined. Defendants now seek an extension of time to respond to ECF Nos. 154, 155, 156, 157, 158, and 159 until 30 days after the entry of orders resolving the pending Report and Recommendation at ECF

1 No. 150. Of course, Defendants point out that if the recommendation to dismiss is adopted in full
2 this matter will be closed and Plaintiff's numerous pending Motions will be moot.

3 On May 28, 2024, Plaintiff filed a Response to Defendants' Motion for Extension of
4 Time. ECF No. 167. The Court reviewed the Response and finds it does not address Defendants'
5 requested extension. Instead, the Response addresses Plaintiff's pending FAC and asks the Court to
6 allow it to proceed. *Id.* at 3. Plaintiff further asks that his Supplement Pleading, Motion for
7 Temporary Restraining Order, and Motion seeking a Preliminary Injunction all be allowed to
8 proceed. *Id. referencing* ECF Nos. 156, 157, 158. Each of these filings remains on the docket and
9 will be considered, along with the pending recommendation to dismiss (ECF No. 150), as time
10 permits. This said, Plaintiff's failure to respond to Defendants' requested extension of time allows
11 the Court to grant Defendants' Motion under Local Rule 7-2(d). Local Rule 7-2(d) states, in relevant
12 part, that "[t]he failure of an opposing party to file points and authorities in response to any motion
13 ... constitutes a consent to the granting of the motion."

14 In addition to Plaintiff's failure to oppose, the Court finds good cause to grant Defendants'
15 requested extension. Requiring Defendants to thoroughly respond to Plaintiff's numerous pending
16 Motions is contrary to Rule 1 of the Federal Rules of Civil Procedure and the efficient resolution of
17 this matter. Control of the Court's docket in this case warrants a decision on the recommendation
18 to dismiss before further investment of time and resources is warranted.

19 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Extension of Time to
20 Respond to ECF Nos. 154, 155, 156, 157, 158, and 159 (ECF No. 164) is GRANTED.

21 IT IS FURTHER ORDERED that Defendants' Responses to ECF Nos. 154, 155, 156, 157,
22 158, and 159 are due, if at all, **thirty (30) days** after the Court issues its Order in response to the
23 Court's recommendation to dismiss (ECF No. 150) and Plaintiff's Objection thereto (ECF No. 153).

24 Dated this 29th day of May, 2024.

25
26 
27 ELAYNA J. YOUCHAK
28 UNITED STATES MAGISTRATE JUDGE